

The Governor's Family Violence Council

2012 Legislative Agenda

DOMESTIC VIOLENCE LEGISLATION

Bills listed in numerical order

Bills Supported by the FVC

HB 8/SB 175 – Crimes – Electronic Communication – Harassment

Changing the prohibition against using electronic mail with the intent to harass to prohibit engaging in electronic communication with the intent to harass; changing the defined term "electronic mail" to "electronic communication" and altering the definition; and establishing penalties for a second or subsequent violation of the Act.

➤ **Approved by the Governor**

HB 1146/SB 647 - Domestically Related Crimes - Reporting

Requiring the court, on request of the State's Attorney, to determine whether a crime for which a defendant is convicted or receives a probation before judgment disposition is a domestically related crime; requiring the State to bear the burden of proving by a preponderance of the evidence that the crime is a domestically related crime; requiring a finding by the court that a crime is a domestically related crime to become part of the court record for specified purposes; etc.

➤ **Approved by the Governor**

HB 1160 Family Law - Temporary Peace and Protective Orders – Duration

Extending the duration of a temporary peace order or a temporary protective order under specified circumstances.

➤ **Approved by the Governor**

HB 1235 – Public Safety - Emergency Number System - Next Generation 9-1-1

Altering the responsibilities of the Emergency Number Systems Board to include establishing planning guidelines for next generation 9-1-1 system plans and deployment of next generation 9-1-1 service; authorizing the Board to limit a request for reimbursement to counties for the cost of enhancing a 9-1-1 system; and defining "next generation 9-1-1".

➤ **Approved by the Governor**

SB 107 - Criminal Law - Electronic Harassment – Penalties

Prohibiting a person from making a specified electronic communication with the intent to terrify, intimidate, or harass another person, or place another person in reasonable fear of injury or physical harm to that person or the property of that person; establishing penalties; providing for the application of the Act; etc.

➤ **No action**

SB 122 - Courts and Judicial Proceedings - Crime Victims and Witnesses Funds - Court Costs

Increasing specified costs imposed on a defendant convicted of a crime by a circuit court or the District Court that are deposited into the State Victims of Crime Fund, the Victim and Witness Protection and Relocation Fund, and the Criminal Injuries Compensation Fund.

➤ **Senate: Unfavorable Report**

SB 168 – Criminal Procedure - Victim's Compensation - Temporary Lodging for Domestic Violence Victims

Making victims of domestic violence who are eligible for an award as the result of an injury resulting from a specified domestic violence incident and who sought temporary lodging to avoid further injury eligible to receive an award from the Criminal Injuries Compensation Fund for reasonable costs of up to 14 days of temporary lodging.

➤ **Senate: Third Reading Passed**

➤ **House: Unfavorable Report**

SB 291/HB 769 – Unemployment Insurance - Coverage - Victims of Domestic Violence

Prohibiting the Secretary of Labor, Licensing, and Regulation from charging specified unemployment insurance benefits against the earned rating record of an employing unit; authorizing the Secretary to find that a cause of voluntarily leaving employment is good cause if it is directly attributable to the individual or individual's immediate family member being a victim of domestic violence and the individual provides specified information; providing that specified information provided to the Secretary is confidential; etc.

➤ **Approved by the Governor**

SB 359 – Domestic Violence – Persons Eligible for Relief and Orders to Vacate Home

For the purpose of altering, for purposes of certain provisions of law relating to domestic violence, the definition of “person eligible for relief” to include an individual involved in a certain intimate dating

relationship with a certain respondent and an individual who has had a sexual relationship with a certain respondent; establishing that a final protective order may order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in certain instances, to an adult living in the home, if neither the person eligible for relief nor the respondent has lived in the joint residence for at least a certain period of time, and generally relating to domestic violence.

➤ **No action**

SB 411 – Criminal Procedure - Maryland Victim Information and Notification Everyday (VINE) Services

Requiring correspondence or documents provided by the District Court to a specified victim or the victim's representative to contain contact information for Maryland Victim Information & Notification Everyday (VINE) services; requiring a prosecuting attorney to mail or deliver to a specified victim or a victim's representative specified information regarding Maryland VINE services; etc.

➤ **No action**

SB 462/HB 971 - Peace Order or Protective Order Petition – Respondent's Address

Altering the information required of a person filing a petition for a peace order or a protective order to include, if known, the home or business address of the respondent.

- **House: Unfavorable Report**
- **Senate: Unfavorable Report**

SB 561/HB 883 - Family Law - Protective Orders - Additional Relief

Authorizing a judge, in a final protective order, to order the respondent to remain a specified distance away from the residence, place of employment, school, or temporary residence of a person eligible for relief.

- **House: Third Reading Passed**
- **Senate: Unfavorable Report**

SB 612/HB 1074 - Criminal Law - First Degree Assault - Strangulation

Prohibiting a person from committing an assault by applying pressure on the throat or neck of another person in a specified manner; and establishing that a person who violates the Act is guilty of the felony of assault in the first degree and on conviction is subject to a specified penalty.

- **Senate: Third Reading Passed**
- **House: No action**

SB 863/HB 1110 - Public Schools - Dating Violence - Kristen Marie Mitchell Law

Adding dating violence to provisions of law requiring the reporting of incidents of specified conduct by a county board of education; altering the content of a specified form and report, policies, and educational programs to include incidents of dating violence; requiring the State Board of Education to develop, by a specified date, a model policy that includes a prohibition on dating violence; altering the date by which each county board is required to submit a specified policy to the State Superintendent of Schools; etc.

- **Senate: Unfavorable Report by Education Health and Environmental Affairs**
- **House: Unfavorable report by Ways and Means, Withdrawn**

Bills Opposed by the FVC

HB 45 - Handgun Permits - Qualifications - Presumption and Burden of Proof

Repealing the requirement that the Secretary of State Police base a finding that an applicant for a handgun permit has a good and substantial reason to wear, carry, or transport a handgun on an investigation; establishing a presumption that an applicant for a handgun permit has a good and substantial reason to wear, carry, or transport a handgun for the purposes of qualifying for a handgun permit; and establishing that the Secretary has the burden of specified proof.

- **No action**

HB 488 - Public Safety - Handgun Permits - Repeal of Finding Requirements

Repealing the requirement that the Secretary of State Police find that a person has a good and substantial reason to wear, carry, or transport a handgun before issuing a handgun permit to the person.

- **House: Unfavorable Report, Withdrawn**

SB 667/HB 652 - Criminal Records - Shielding - Nonviolent Convictions

Requiring that court records and police records relating to a conviction be shielded automatically at a specified time, depending on whether the conviction is for a misdemeanor or a felony; prohibiting the Maryland Judiciary Case Search from in any way referring to the existence of records shielded in accordance with the Act; requiring a custodian of records to deny inspection of criminal records and police records relating to the conviction of a crime that has been shielded under the Act; etc.

- **Senate: Unfavorable Report**
- **House: Unfavorable Report, Withdrawn**